

Ordinance No. _____

**AN ORDINANCE RESTRICTING THE DISCHARGE OF FIREWORKS
WITHIN CARBON COUNTY AND ISSUING A PROCLAMATION
PERTAINING TO THE DISCHARGE OF FIREWORKS**

WHEREAS, the Carbon County Board of Commissioners has determined that extremely dry and hot conditions prevailing within the County have created an extreme fire danger, which is likely to last well into this summer; and

WHEREAS, the State Forester issued a Fire Restriction Order on June 14, 2012, prohibiting the discharge or use of any kind of firework, tracer ammunition, or other pyrotechnic device upon all private, unincorporated lands within the State of Utah until further order of the State Forester;

WHEREAS, the Utah Division of Forestry, Fire and State Lands, Bureau of Land Management, Forest Service, National Park Service, the Bureau of Indian Affairs and the U.S. Fish and Wildlife Service have all issued orders prohibiting the discharge or use of any fireworks, tracer ammunition or other pyrotechnic devices; and

WHEREAS Carbon County wishes to fully support these agencies in their efforts to reduce the likelihood of fire;

NOW THEREFORE, CARBON COUNTY DOES HEREBY ORDAIN AS FOLLOWS:

1. The following activities are strictly prohibited, effectively immediately, upon all County-owned lands and roads, and upon all public lands and roads over which Carbon County has control, jurisdiction, responsibility, or regulating authority:

a. The discharging or use of any fireworks, tracer ammunition, or other pyrotechnic devices, until December 31, 2012, at 10:59 a.m., or until further order of the County Commission;

b. Setting, building, maintaining, attending or using open fires of any kind, except campfires built within the facilities provided for them in improved campgrounds, picnic areas, or permanently improved places of habitation, until the end of the closed fire season as determined by the State Forester pursuant to U.C.A. 65A-8-211(1), or until this order is rescinded; and

c. Cutting, welding, or grinding metal in areas of dry vegetation, by persons other than employees of Carbon County, until the end of the closed fire season as determined by the State Forester pursuant to U.C.A. 65A-8-211(1), or until this order is rescinded.

2. The County may issue permits to authorize the prohibited acts at specific

times and locations, subject to all other applicable laws, statutes, ordinances, regulations, orders, and rules.

3. The purpose of this Ordinance is to supplement and make more strict already existing fire and fireworks related restrictions upon County owned and County controlled property. To the extent that applicable State or Federal laws are more restrictive or onerous than this Ordinance, such laws shall have effect over this Ordinance. Nothing contained herein shall be deemed to limit, abrogate, or provide exceptions to any existing Fire Restriction Order or other applicable law, statute, ordinance, regulation or rule. Additional restrictions imposed by other laws, statutes, ordinances, regulations, or rules upon the activities set forth above may apply to the activities listed above.

4. Any violation of this ordinance shall be a Class B misdemeanor, and will also be deemed to be an unauthorized burning in violation of U.C.A. 65A-8-211.

5. Applicable County personnel shall deliver the following proclamation to all local media outlets:

The Carbon County Board of Commissioners and Carbon County Sheriff's Office wish to inform the public that the discharge or use of any kind of fireworks or pyrotechnic devices is strictly prohibited upon all privately owned land within Carbon County. These restrictions do not apply to private property located within the boundaries of an incorporated city or town. Additionally, fireworks are prohibited upon all County owned lands and roads, BLM property, US Forest Service property, National Park Service property, and all State owned lands within Carbon County. However, the County's 4th of July fireworks show will be held at the fairgrounds as usual.

6. The Board of Commissioners finds that this ordinance is necessary for the immediate preservation of the peace, health, and safety of the county and the county's inhabitants. This ordinance shall take effect immediately upon publication of one issue of a newspaper published in and having general circulation in the county

DATED this ____ of June, 2012.

MICHAEL S. MILOVICH,
Carbon County Commission
Chairman

Commissioner Jones voted ____ yea ____ nay

Commissioner Milovich voted ____ yea ____ nay

Commissioner Potter voted ____ yea ____ nay